

Message

From: Crawford, Dorothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B22442C0DAD249C1B798271CB981B12F-CRAWFORD, DOROTHY]
Sent: 6/21/2018 9:08:10 PM
To: Singleton, Kerwin, NMENV [Kerwin.Singleton@state.nm.us]; Baca, Michael, NMENV [michael.baca1@state.nm.us]; Intermont, Donna, NMENV [Donna.Intermont1@state.nm.us]
CC: Verhalen, Frances [verhalen.frances@epa.gov]
Subject: NMED Exceptional Event Mitigation Plan - Consultation Mechanism component

During yesterday's call NMED asked for some guidance on our expectations regarding the subject Mitigation Plan component.

Also on the call I committed to assisting in getting other air agency contacts. See my email earlier today with the TCEQ contact working on their Mitigation Plans. I reached out to EPA R9 for a contact in Arizona. Will pass along when it comes in.

Side Note: EPA R9 provided some clarification on the location of the various Arizona PM10 EE Mitigation Plan areas. The Arizona EE Mitigation Plan areas are located near the California border, Phoenix, and north of Tucson. There is a PM10 Non-Attainment Areas (NAAs) about 25 miles west of the AZ/NM border and another further west on the border with Mexico. See pic below (PM10 NAA areas in dark blue). Due to a number of factors, i.e., the distance between the Arizona PM sources and NM Luna and Dona Ana Counties, typical travel distance of PM10, regional topography, and typical wind patterns, I suggest you evaluate the degree of potential HWDE PM10 impact abatement in Luna and Dona Ana Counties from control measures implemented in Arizona. Of course, an haboob would be a separate matter. I recognize you understand the area circumstances better than me and have tools such as modeling and source inventories to help inform your evaluation. There is no downside to coordinating with other air agencies. I believe there are sources in Texas area which might contribute to PM10 exceedances in Dona Ana County under certain wind events, even though more typical wind patterns would indicate otherwise.

Regarding your request for guidance, I spent some time this morning reading up on available EPA guidance on the 'Consultation Mechanism' component of the Mitigation Plan. This component was not part of the 40 CFR 51.930 requirements before 2016 Exceptional Event rule (2016 EER) promulgation. With the 2016 EER, the federal regulations now require:

'§ 51.930 Mitigation of Exceptional Events.

(a) A State requesting to exclude air quality data due to exceptional events must take appropriate and reasonable actions to protect public health from exceedances or violations of the national ambient air quality standards. At a minimum, the State must: (1) Provide for prompt public notification... (2) Provide for public education ...; and (3) Provide for the implementation of appropriate measures to protect public health...

(b) *Development of mitigation plans for areas with historically documented or known seasonal events...*

(2) *Plan components.* At a minimum, each mitigation plan developed under this paragraph shall contain provisions for the following: ...

(D) Mechanisms to consult with other air quality managers in the affected area regarding the appropriate responses to abate and minimize impacts.' ('Consultation Mechanism')

A search of the proposed and final rule preambles, and EPA 2016 EER response to comments, provided some guidance or interpretation of the 'Consultation Mechanism' component:

'Unless otherwise specified, each mitigation plan should address actions that would be taken within an air agency's own jurisdiction for events that happen within its own jurisdiction or within the jurisdiction of another air agency.'

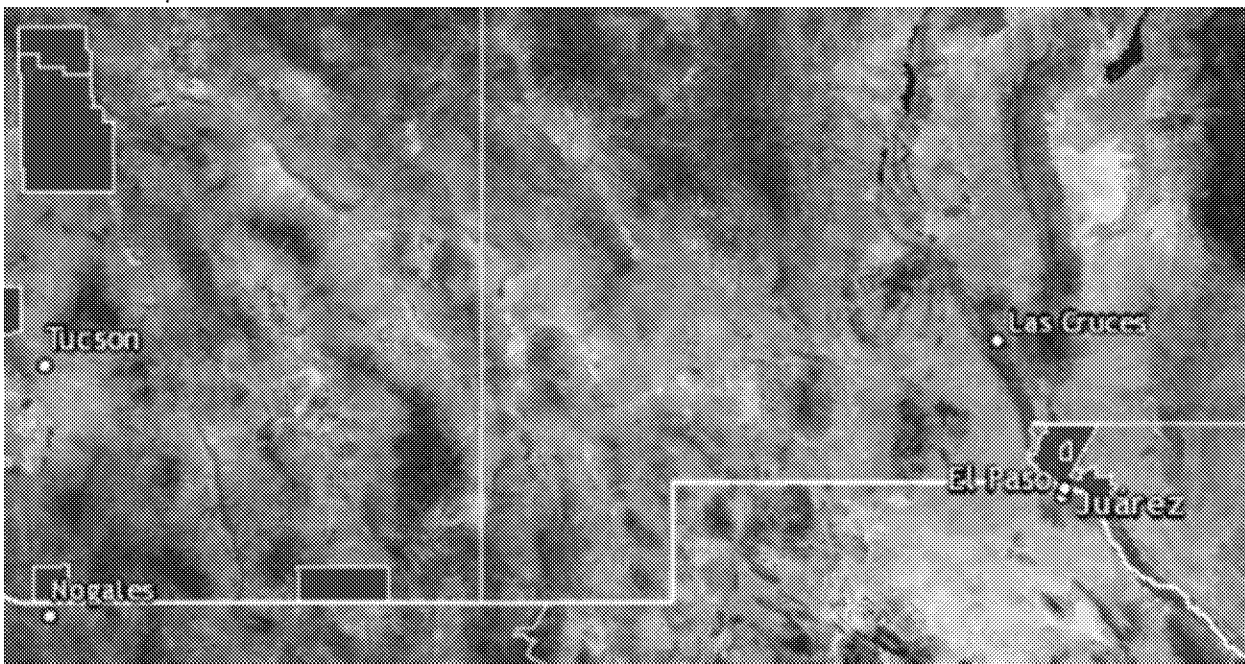
'...Mechanisms to consult with other air quality managers in the affected area regarding the appropriate responses to abate and minimize impacts. Consultation could include collaboration between potentially affected local, state, tribal and federal air quality managers and/or emergency response personnel.'

'... developing an effective mitigation plan that includes the required elements may require input from and coordination with numerous stakeholders, including, but not limited to, air agencies, public health officials, local governments, representatives serving potentially affected minority and low-income populations, if applicable, and the media.'

'... we have identified required program components, but have not specified the required content.'

The three primary tenets of the mitigation plan is prompt notification, education, and measure implementation to protect public health. Your submitted mitigation plan could describe the mechanism, system, or process by which NMED coordinate or consult, prior to and/or through a wind event, with other governmental entities who have jurisdiction over areas and sources that could contribute to the HWDE PM10 exceedances experienced at monitors located in Luna and Dona Ana Counties depending on the wind pattern. Suggest you work with these partners on candidate measures on these sources or areas that could be implemented before or during a wind event. The Consultation Mechanism could also include a system or process to coordinate with entities who can assist with timely notification, education and/or implementation of other responses, besides physical source control measures, that reduce health impacts. I could not find a regulatory definition of the term 'air quality manager'. The guidance, however, indicates the candidate government entities you might engage could range from city, county, fellow state agencies, to federal land managers. The mitigation plan information for this component could include discussions of control measures and actions/activities/responses the government entities may implement in preparation for or during a wind event. The measures could be designed to lessen the dust entrained in high wind events, or reduce resident or worker exposure to the entrained dust, and thereby minimize or abate the impacts to public health. Some examples of candidate measures or responses are: timely outreach on home preparedness for wind event; timely outreach on use and maintenance of HEPA filters; timely NMDOT driver safety alerts; city, county, and fellow state agencies efforts to encourage employees or citizens to limit outdoor activities; city, NMDOT or county addressing roadway or other construction/maintenance activities related to dust generation; federal land managers addressing dust generating activities; or post-high wind event cleanup. A resource for development of NMED's mitigation plan Consultation Mechanism may be the source inventory project results. There are also information sources on the web (e.g., AP 42 Fugitive Dust Sources) which might help NMED with concepts for candidate measures your partners could implement which are appropriate for your communities and sources.

Pic of Arizona/New Mexico border:



Dorothy Crawford
U.S. EPA, Region 6, Air Monitoring
(214) 665-2771